

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 2:08-CR-44
	)	
HUMBERTO OTERO CEA	)	

**MEMORANDUM AND ORDER**

This criminal case is before the court on the defendant's motion for a continuance of the trial [doc. 11]. Counsel for the defendant says that a proposed plea agreement has been provided to the defendant, but additional time is needed for the defendant to consider the government's offer. The court is aware that there is a language barrier making communication with the defendant more difficult and time consuming. The government has no objection to the defendant's motion.

The court finds the defendant's motion well taken, and it will be granted. The court finds that the ends of justice served by granting the motion outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). The court finds that the failure to grant the defendant's motion would deny counsel and the defendant the time necessary to consider

the government's proposed plea agreement and/or prepare for trial. 18 U.S.C. § 3161(h)(8)(B)(iv). Therefore, all the time from the filing of the defendant's motion for a continuance to the new trial date is excludable as provided by the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A).

It is hereby **ORDERED** that the defendant's motion for a continuance are **GRANTED**, and the trial of this criminal case is **CONTINUED** to September 24, 2008, at 9:00 a.m. The plea or trial will be held in Greeneville.

ENTER:

s/ Leon Jordan  
United States District Judge